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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 Douglas Harry Warenback,

7 Plaintiff,

8 v.

9 Aaron Ford, Attorney General for the State of  
10 Nevada,

11 Defendant.

Case No. 2:22-cv-01342-JAD-DJA

**Report and Recommendation**

12 The Court previously granted Plaintiff's request to proceed *in forma pauperis* and  
13 screened the complaint under 28 U.S.C. § 1915. (ECF No. 10). In doing so, the Court found that  
14 Plaintiff's complaint was deficient. (*Id.*). As a result, the Court dismissed Plaintiff's complaint  
15 and granted Plaintiff leave to amend the complaint, requiring that an amended complaint be filed  
16 by April 24, 2023, which has since passed. (*Id.*). The Court stated, "[f]ailure to comply with this  
17 order will result in the recommended dismissal of this case." (*Id.*). To date, the Court has not  
18 received an amended complaint or any request to extend the deadline for filing one.

19 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
20 prejudice.

21 **NOTICE**

22 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
23 in writing and filed with the Clerk of the Court within fourteen (14) days after service of this  
24 Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has  
25 been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474  
26 U.S. 140, 142 (1985) *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that  
27 (1) failure to file objections within the specified time and (2) failure to properly address and brief  
28 the objectionable issues waives the right to appeal the District Court's order and/or appeal factual

1 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991);  
2 *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3  
4 DATED: May 9, 2023

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8 DANIEL J. ALBREGTS  
9 UNITED STATES MAGISTRATE JUDGE  
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